

DONNY COOPER,  
Petitioner,  
  
vs.  
  
STATE OF NEVADA, *et al.*,  
Respondents.

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2:10-cv-01832-JCM-RJJ  
  
**ORDER**

A petitioner must name his custodian (state officer) as the respondent in a federal habeas petition. Rule 2(a), Rules Governing Section 2254 Proceedings; *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9<sup>th</sup> Cir. 1994). If petitioner fails to name the proper respondent in his

<sup>1</sup> Respondents discuss the issue of exhaustion in a footnote within the motion to dismiss. The court declines to address the exhaustion issue at this juncture, as it was not properly presented in the instant motion to dismiss for lack of personal jurisdiction.

1 petition, the court may allow petitioner to amend his petition to name the correct respondent. *See*  
2 *Stanley*, 21 F.3d at 360.

3 In the instant case, petitioner has named the State of Nevada as respondent. Petitioner has  
4 completed his prison sentence and parole, but is subject to lifetime supervision as a sex offender.  
5 Petitioner is currently supervised by the Nevada Parole and Probation Office. Petitioner will be  
6 granted leave to file an amended caption page, naming the proper respondent(s), i.e., the state  
7 officers who currently have custody, control, or supervision over petitioner. After the filing of the  
8 amended caption page, the court will set a further scheduling order in this action.

9 **IT IS THEREFORE ORDERED** that respondents' motion to summarily dismiss the  
10 petition (ECF No. 5) is **DENIED**.

11 **IT IS FURTHER ORDERED** that within **twenty (20) days**, petitioner **SHALL FILE** an  
12 amended caption page, naming the proper respondent.

13 Dated this 9<sup>th</sup> day of May, 2011.

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16 UNITED STATES DISTRICT JUDGE  
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